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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

2:22-CR-00052-TOR-2

15 v.

16 ERIC A. EAGLETON,

17 Defendant.

United States' Sentencing
Memorandum

18 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
19 States Attorney for the Eastern District of Washington, Patrick J. Cashman, Assistant
20 United States Attorney for the Eastern District of Washington, respectfully submits
21 the following Sentencing Memorandum. The United States recommends the Court
22 sentence the Defendant to a term of 18 months incarceration, followed by 3 years of
23 supervised release. A sentence of 18 months incarceration is a reasonable sentence
24 that is no greater than necessary to meet the interests of federal sentencing principles.

25 **Background**

26 The United States relies on the facts provided in the plea agreement and the
27 United States Probation Office's (USPO) Pre-Sentence Investigation Report (PSIR)
28 and Addendum. (ECF Nos. 156, 197, 198). The United States reserves the ability to

1 present additional facts as necessary at the sentencing hearing to address any of the
2 Court's concerns.

3 II. Base Offense Level & Enhancements

4 The United States concurs with the USPO's calculation of an adjusted offense
5 level of 15. ECF No. 197, ¶127. The United States further concurs the Defendant's
6 Criminal History Category is a I. *Id.* Accordingly, the Defendant's advisory guideline
7 range is properly calculated at 18 to 24 months. *Id.*

8 III. Defendant's PSIR Objections

9 The Defendant filed a series of objections to the PSIR. ECF No. 185. The
10 United States provided a response to the Defendant's objections at ECF No. 188. The
11 most significant of the Defendant's objection was Objection 5 regarding the base
12 offense level. The United States maintains that because Defendant possessed a
13 suppressor that falls within the statutory definition of a firearm under Title 26.
14 Therefore, the USPO's application of the base offense level 18 pursuant to U.S.S.G.
15 §2K2.1(a)(5) is appropriate.

16 IV. Departures

17 The United States submits the Court should not grant a downward departure or
18 variance. The Defendant has filed a motion for a downward departure or variance
19 citing to Defendant's military career and his current employment. The United States
20 does not seek an upward departure or variance from the guidelines as recommended
21 by the USPO.

22 V. 18 U.S.C. § 3353(a)

23 When applying the 18 U.S.C. § 3553(a) factors, a sentence of 18 months and
24 three-years supervised release is appropriate. The United States submits, under the
25 circumstances of this case, an 18-month sentence is fair and no greater than necessary
26 to satisfy the interests of federal sentencing principles.

1 a. Nature, Circumstances, and Seriousness of the Offense:

2 The nature and circumstances of this case warrant an 18-month sentence. The
3 Defendant's acts in this case are serious and egregious. The Defendant used his
4 position to obtain a significant amount of military ammunition for his own personal
5 use. The Defendant's actions undermined the good order and discipline of the force
6 and seriously impacted the image of the United States Air Force to the public. The
7 actions of the Defendant, and his co-Defendants, undermined the trust and confidence
8 the taxpayers place in our servicemembers. In short, the Defendant's greed was not
9 limited to simply impacting the ammunition stores of his unit but hurt the image and
10 stature the United States Air Force as a whole in the eyes of the public. The nature,
11 circumstances, and seriousness of this offense warrants a sentence of 18 months.

12 Moreover, the Defendant criminal acts were not limited to stealing U.S.
13 government property. Indeed, the Defendant, while this charge was dismissed, was in
14 possession of an unregistered silence. He used this silencer in combination with his
15 stolen ammunition. He used this unregistered silence at the Fairchild Air Force Base
16 CATM range.

17 Accordingly, when considering the totality of the nature, circumstances, and
18 seriousness of the Defendant's actions, an 18 month sentence of incarceration is
19 reasonable and appropriate to reflect the gravity of the Defendant's criminal acts.

20 b. Characteristics and Criminal History of Defendant:

21 The Defendant has no criminal history aside from the current conviction. The
22 Defendant also had previously served in the United States Air Forces until his arrest
23 on these criminal offenses. As a result of this conviction, he was administratively
24 separated from the United States Air Force with an other than honorable
25 characterization of service. The Defendant argues this is a consequence the Court
26 should consider in fashioning an appropriate sentence. The United States maintains,
27 this is a separate process and is collateral to this offense. In fact, while the Defendant
28 may incur a reduction in benefits due to this characterization of service, he has derived

1 a benefit from the United States pursuing this matter criminally rather than the United
2 States Air Force. Had the Defendant been convicted at courts-martial, he could have
3 been sentenced to a punitive discharge up to a dishonorable discharge, which carries
4 greater impact on his future potential benefits from the Department of Veterans
5 Affairs. While the Defendant's lack of criminal history weighs in his favor, it does
6 not substantially outweigh the seriousness of his offense. Therefore, the United States
7 maintains an appropriate sentence includes 18 months of incarceration.

8 c. Public Safety, Deterrence, and Consistency of Sentences:

9 A sentence of 18 months incarceration is appropriate to protect the public and
10 meet the interests of general and specific deterrence. A sentence of 18 months will
11 ensure the public knows engaging in criminal acts such as these are met with
12 significant consequences. Additionally, other cases have sentenced similarly situated
13 individuals to terms of confinement both above and below the United States'
14 recommendation. *See United States v. Matospacheco*, 2007 WL 1701748
15 (N.M.Ct.Crim. App.), March 29, 2007, *1 (unpublished) (sentenced to 24 months
16 incarceration); *see also United States v. Whitten*, 56 M.J. 234, 235 (C.A.A.F. 2002)
17 (sentenced to 4 months); *see also United States v. Murphy*, 74 M.J. 302, 303
18 (C.A.A.F. 2015)(Military Judge sentenced defendant who conspired to steal
19 approximately 5,000 rounds of ammunition to 48 months incarceration, however,
20 convening authority pursuant to plea agreement agreed to reduce adjudged
21 confinement to 17 months).

22 d. Rehabilitation and Programming

23 The Defendant has obtained additional education and certifications pending his
24 sentencing. However, there may be other educational and vocational programming
25 available in Bureau of Prisons for the Defendant. The Defendant does not appear to
26 suffer from alcohol or controlled substance addiction, therefore rehabilitative
27 programming of that nature would not be beneficial to the Defendant. This factor is
28 neutral in fashioning an appropriate sentence.

1 Moreover, the Defendant should be sentenced to a term of 3 years supervised
2 release. This will provide the Defendant the proper amount of supervision and
3 opportunity to obtained employment and services with the assistance of a USPO.

4 Accordingly, the United States recommends the Court impose a sentence of 18
5 months imprisonment followed by 3 years of supervised release.

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7 Dated: June 8, 2023.

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9 Vanessa R. Waldref
United States Attorney

10 s/ Patrick J. Cashman
11 Patrick J. Cashman
12 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

David M. Miller

s/ Patrick J. Cashman

Patrick J. Cashman
Assistant United States Attorney